

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2007 JAN 16 P 1:08

ERIC SOUVANNAKANE,

Plaintiff

v.

SEARS, ROEBUCK & COMPANY,

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil No. 0412164-MLW

**JOHN W. BALDI'S (Affirmed) MOTION, AMICUS CURIE, FOR WITNESS
FEE, MILEAGE FEE, PARKING FEE, AND MOTION PREPERATION
FEE FROM THE LAW FIRM OF PIERCE, DAVIS & PERRITANO, LLP,
AND/OR ATTORNEY JOHN J. CLOHERTY**

John W. Baldi, a witness to the event being litigated in the above caption case, motions this most Honorable Court, amicus curie, for an order instructing either the law firm of Pierce, Davis & Perritano, LLP, or Attorney John J. Cloherty, to pay Mr. Baldi a witness fee, mileage fee, parking fee for the taking of his deposition, as well as costs for preparation of this motion and whatever other money or action the Court deems just and appropriate. In support of his motion Mr. Baldi offers the following facts:

1. On Tuesday, April 18, 2006, beginning at 10:15, I was deposed by attorney John J. Cloherty from the law firm of Pierce, Davis & Perritano, LLP, at their office, 10 Winthrop Square, Boston, Massachusetts.
2. At the conclusion of the deposition, my father, John A. Baldi, asked Mr. Cloherty to provide me with the witness fee and mileage fee payments as prescribed in the Fed. R. Civ. P..

3. Mr. Cloherty responded that he thought a check for payment accompanied the Subpoena and that if it didn't, it was not his problem, some body else has that responsibility, and he gave no assistance.
4. Mr. Cloherty was informed by my farther that we did not appear via subpoena but came via a letter instructing me to appear, whereupon Mr. Cloherty again responded it's nothing to do with him, and he then left the room.
5. To date I have not received any payment from either Mr. Cloherty or the law Firm of Pierce, Davis & Perritano, LLP..
6. My attendance and testimony at the above referenced deposition caused me to lose \$128 dollars in wages for lost time at my place of employment, Westminster Dodge, in Dorchester, MA.. (Auto technician).
7. I paid a parking fee of \$29 at the Post Office Square parking facility.
8. The round trip mileage from my place of residence to the site where the deposition was taken totals 22 miles.
9. I am paying my farther, John A. Baldi, a paralegal fee of \$75 to prepare this document for me.
10. This motion is dispositive, so no concurrence was sought for counsel of the parties to the action.

Wherefore, I most respectfully plead for justice and equity from this most Honorable Court in the form of an order to Mr. Cloherty and the law firm of Pierce, Davis & Perritano, LLP., holding that:

A. The failure of Pierce, Davis & Perritano, LLP., and/or John J.

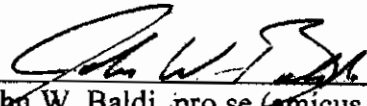
Cloherty to pay the witness fee prescribed in the Fed. R. Civ. P. in a

timely manner is a violation of those rules and the offenders of the rules are now commanded to pay Mr. John W. Baldi \$128 dollars in lost wages forthwith; and

- B. Pierce, Davis & Perritano are to pay the prescribed federal mileage fee for a 22 mile round trip to Mr. John W. Baldi forthwith; and
- C. The law firm of Pierce, Davis & Cloherty are to pay the \$29 parking fee incurred by Mr. John W. Baldi for the taking of his deposition forthwith; and
- D. Pierce, Davis & Perritano, LLP. Are to pay Mr. John W. Baldi the \$75 costs for preparation of his motion forthwith; and
- E. Grant to Mr. Baldi any other relief the Court deems just and equitable.

Respectfully submitted,

Dated: January 15, 2007


John W. Baldi, pro se (amicus curie)
19 Ledge Street
Melrose, MA 02176
(781) 665-5011

CERTIFICATION OF SERVICE

I certify that a copy of the foregoing document has been sent via U.S. Mail on this the 15th day of January, 2007, to:

Kurt Olson, Esq., 500 Federal Street, Andover, MA 01810
Christine M. Netski, Esq., and Liza J. Tran, Esq., at Sugarman, Rogers, Barshak Cohen, 101 Merrimac St., Boston, MA 02114
John J. Cloherty, Esq., at Pierce, Davis & Perritano, LLP., 10 Winthrop Square, Boston, MA 02110.

